IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 4544 of 2005

AND

CONTEMPT CASE NO : 289 of 2005

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WRIT PETITION NO : 4544 of 2005

Between:

D. Ramchander, S/o. Bhoomaiah, Branch Post Master,
Mallareddypet R/o. Mallareddypet Village, Gambhiraopet Mandal, Karimnagar District.

..... PETITIONER

AND

1 The Chief Post Master General, A.P. Circle, Hyderabad - 500 001.
2 The Post Master General, Hyderabad Region, Hyderabad.
3 The Superintendent of Post Offices, Karimnagar Division, Karimnagar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of Writ of Certiorari calling for the records relating to O.A. No. 1351/2004 and set aside the order passed in O.A. No.1351/04 dated 11-2-2005 on the file of the Central Administrative Tribunal, Hyderabad and also set aside the letter No. B2-196/MRTP/04-05 dated 8-11-2004 issued by the third respondent holding it as bed and illegal.

Counsel for the Petitioner: MR.P.PRABHAKAR REDDY

Counsel for the Respondents: MR.A.RAJASHEKAR REDDY

(ASST.SOLICITOR GEN.)

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CONTEMPT CASE NO : 289 of 2005

(Contempt Case U/ss. 10 to 12 of Contempt of Courts Act to punish the Respondents herein for violating/disobeying the Order of the High Court dated 10.3.2005 in WPMP No.6076 of 2005 in WP No. 4544 of 2005.

Between:

D. Ramchander, S/o Bhoomaiah, Branch Post Master,
Mallreddypet, R/o Mallareddypet village,
Gambhiraopet (M), Karimnagar District.

..... PETITIONER

AND

1 Mr. Govinda Rajan T.S. Chief Post Master General,
A.P. Circle, Hyderabad-500001.
2 Mrs. Menan, Post Master General,
Hyderabad Region, Hyderabad.
3 Mr. B. Subba Rao, Superintendent of Post Offices,
Karimnagar Division, Karimnagar.

.....RESPONDENTS

Counsel for the Petitioner: MR.P.PRABHAKAR REDDY

Counsel for the Respondents: MR.A.RAJASHEKAR REDDY (ASST.SOLICITOR GEN.)

The Court made the following:

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ORAL ORDER: (per GB. J.)

The Writ Petition is filed by the unsuccessful applicant challenging the order passed by the Central Administrative Tribunal (hereinafter referred to as the Tribunal) in O.A.No.1351 of 2004, dated 11.2.2005.

2. The petitioner was appointed as Extra Departmental Branch Postmaster (EDBPM) on 19.3.1961. During his service, in the year 1996, he was called upon to submit his educational certificates. Accordingly he had submitted his Secondary School Certificate, wherein his date of birth was mentioned as 10.12.1943, but, however, he was directed to be retired from service with effect from 8.3.2005 on the basis that his date of birth was 9.3.1940. The said order came to be challenged before the Tribunal. However, the Tribunal upheld the order passed by the 3rd respondent dated 8.11.2004 and dismissed the OA with the following directions:

> "Learned Senior Standing Counsel for the respondents Sri G.J.P.Babu, has produced before us the descriptive particulars, Xerox copy of which is taken on record. The said descriptive particulars shows that the date of birth of the applicant is 9.3.1940 and the descriptive particulars have been signed by the applicant and duly attested by the Inspector of Post Offices. Therefore, the date of birth 9.3.1940 recorded in the descriptive particulars at the time of entry into service has to be accepted. Any change in the date has to be effected/corrected within 5 years of entry into service and the same cannot sought to be changed at any subsequent time. In view of the above, we do not find any merit in this application and the application is summarily rejected with no order as to costs".

Assailing the said order, the present Writ Petition has been filed.

3. The learned counsel for the petitioner submits that the educational qualification of the petitioner is 6th class and his date of birth was mentioned in the school records as 10.12.1943 and therefore the order of his retirement on 8.3.2005 is illegal and contrary to law.

4. On the other hand the learned Assistant Solicitor General submits that when the petitioner was appointed as EDBPM., he has filled up the questionnaire, in which he himself mentioned his date of birth as 9.3.1940 and his educational qualification as

6th class. On the basis of the information furnished by the petitioner himself, now it is not open for him to resile from the said statement and try to bring a new date of birth. Under those circumstances the order passed by the Tribunal cannot be said to be either illegal or contrary to law.

5. We have heard the learned counsel for the parties.

6. Inasmuch as the petitioner, at the time of appointment, has given his date of birth as 9.3.1940, we are unable to accept the contention of the learned counsel for the petitioner. Moreover, if the date of birth as 10.12.1943 is taken into consideration, the petitioner could not get employment on 19.3.1961, as on that date he was below 18 years and the minimum age required for the post is 18 years. Under those circumstances, we are of the considered view that the order passed by the Tribunal cannot be interfered with.

7. Accordingly the Writ Petition is dismissed. No costs.

C.C.No.289/2005

8. In view of the dismissal of Writ Petition No.4544 of 2005, no orders need be passed in the Contempt Case.

9. Accordingly the Contempt Case is closed.

(G.BIKSHAPATHY, J.)

13th April, 2005.

(P.S.NARAYANA, J.)

SSR

.....REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. Mr.Govinda Rajan T.S.The Chief Post Master General, A.P. Circle,

Hyderabad - 500 001.

2 Mrs.Menan, Post Master General, Hyderabad Region, Hyderabad.

3 Mr.B.Subba Rao, Superintendent of Post Offices, Karimnagar Division, Karimnagar.

4 The Registrar, Central Administrative Tribunal, Hyderabad.

5 2 CD copies

*Form-NIC-OGS/WP{**RLD**}*